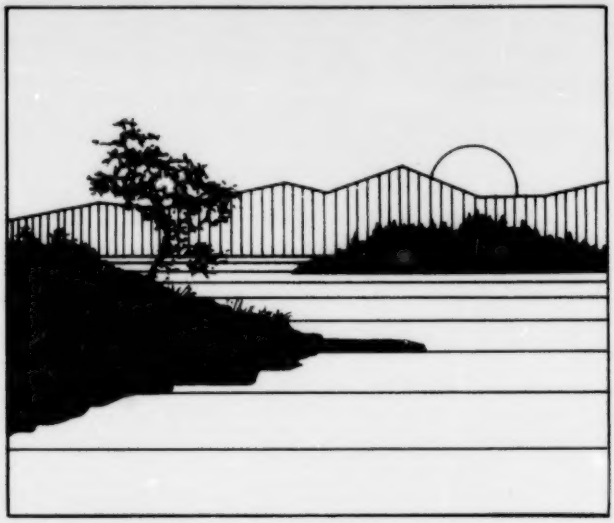

The Object Of The Islands Trust: Renewing The Consensus

Islands Trust Position Paper No. 1

Province of
British Columbia
Ministry of
Municipal Affairs

88-01078/

POSITION PAPER

ON

THE OBJECT OF THE ISLANDS TRUST

RENEWING THE CONSENSUS

Islands Trust

Munistry of Municipal Affiars

November, 1986

Position Paper #1

THIS POSITION PAPER
WAS ENDORSED BY THE
ISLANDS TRUST COUNCIL
ON SEPTEMBER 5, 1986

NOTES TO USERS

This is one of a series of position papers produced by the Island Trust. These papers have received the endorsement of the Islands Trust Council (an informal committee consisting of the 26 elected trustees of the Islands Trust). They describe the recommended approaches of the Trust Council regarding a variety of land use and development issues, but have not been adopted as policy by the individual local trust committees.

Under the Islands Trust Act, each local trust committee has the authority to develop land use regulations appropriate for their area. The position papers are used by the local trust committees to assist them in developing appropriate and effective plans and regulations, and in working with other government agencies to resolve land use and development issues.

A list of the position papers produced to date by the Islands Trust is provided below.

No. 1 - The Object of the Islands Trust: Renewing the Consensus

No. 2 - The Regulation of Home Occupations in the Islands Trust Area

No. 3 - The Regulations of Bed and Breakfast Businesses in the Islands Trust Area

INTRODUCTION

The Islands Trust was established by the Islands Trust Act in 1974. The object of the Trust is defined very generally in the legislation (Section 4(1)).

> "It is the object of the Trust to preserve and protect, in cooperation with municipalities and the government of the Province, the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally."

The Trust carries out this object through the preparation of official community plans and implementing bylaws under the authority of subsection 4(2)(h) of the Islands Trust Act and Part 29 of the Municipal Act; and through cooperative efforts with other agencies and recommendations to the Lieutenant-Governor in Council. The Islands Trust Act (Section 3) also states that the Trust shall administer a fund to acquire and manage land in the Trust area. However, this section of the Act has not been proclaimed.

Much of the authority needed to achieve the goals given to the Trust by the Legislation rests with other government agencies. The Trust, in turn, can provide assistance to these agencies in various elements of their programs within the Trust area. In recognition of this, the review of the interpretation of the Trust object included input and assistance from staff of all agencies which work with the Trust. In general, the response to the object from staff of other agencies was positive. Useful suggestions for improvement to the wording of the object were provided, and the staff representatives generally viewed the interpretation of the object as compatible with the goals and aims of their own agencies in the Trust area.

The interpretation of the object set out in the following paper provides a framework for the Islands Trust in carrying out its responsibilities for land use planning and regulation and in working with other agencies on matters of mutual interest.

BACKGROUND TO THE TRUST OBJECT

The islands and waters between the mainland of Canada and the southern third of Vancouver Island possess a combination of features which makes them particularly attractive for residence and recreation. This, coupled with the area's nearness to major urban centres, makes the islands and surrounding waters subject to considerable development pressure.

In recognition that insufficient direction of development was resulting in cumulative damage to the very amenities that makes the area so valuable, the Province established a special purpose agency in 1974 to manage the area. This agency is the Islands Trust.

The Trust has been given direct authority with respect to the regulation of land use and development. However, a key feature of the design of the Trust was that it should work in concert with other Provincial and local government agencies to achieve its mandate. By cooperation, it was intended that the powers of those agencies be used to assist in achieving the Trust's purpose. In turn, the Trust would be available to assist in the implementation of Provincial policy in the Trust area.

The object of the Trust is quite generally defined. The Islands Trust Act, Section 4(1), states that:

> "It is the object of the Trust to preserve and protect, in cooperation with municipalities and the government of the Province, the Trust area and its unique amenities and environment for the benefit of the residents of the Trust area and of the Province generally."

THE NEED FOR REVIEW OF THE INTERPRETATION OF THE OBJECT

From the experiences since the Trust has been in operation, the object appears to have been interpreted in a variety of ways. This divergence in perceptions has, in some instances, lessened the effectiveness of the Trust and other Provincial agencies in achieving the Provincial policy of sound management of the islands. To start to remedy this situation, in Summer, 1985, the Trust initiated a review and reinterpretation of its object.

THE PROCESS OF REVIEW

The review involved discussions amongst the elected Trustees of the Islands Trust and the staff within the Ministry of Municipal Affairs who provide planning and administrative services to the Trust program, as well as meetings between these staff and staff of other Provincial agencies and regional districts having responsibilities within the Trust area.

The primary objective of discussions with other agencies was to obtain comments on the interpretation and to ensure that the aims of these agencies for the Trust area are reflected in this document. Useful suggestions for improvement to the wording of the object were provided. Staff of other agencies generally were able to note compatible or complementory relationships between the Trust's object and the goals and objectives of their own agencies within the Trust area. The discussions were also useful in identifying ways of ensuring smoother working relationships and defining areas of cooperation to be pursued in future.

ELEMENTS OF THE OBJECT

This section of this paper provides the interpretation of the Trust object developed by the Islands Trust and reflects the changes suggested by staff of other government agencies.

Each phrase of the statement of the object in the Island Trust Act is quoted separately and a specific interpretation of the statement is provided.

"To preserve and protect ..."	To ensure the continued existence, either at current or enhanced levels of the 'unique amenities and environment' of the Trust area and to guide human activities on land and water accordingly. The Islands Trust program for management of the Trust area should focus on identifying the unique amenities and environment and protecting these. Appropriate developments can then be guided to areas which can best accommodate them with minimal erosion of unique amenities and environment. Plan and bylaw provisions such as setbacks and parcel size can be used as site specific protection measures where development is permitted.
"... in cooperation with municipalities and the government of the Province ..."	A number of Provincial agencies, regional districts, and municipalities have statutory responsibilities and interests in the Trust area. The Trust is to assist in obtaining mutual recognition of these various interests, and achievement of the goals of these bodies. For this reason, all plan amendments and bylaws prepared by the Trust are referred to other affected government agencies before public hearings are held. The Trust recognizes that it does not have the powers to fulfill its mandate independently and must obtain the assistance of other jurisdictions.
"... the Trust area ..."	The Trust area is defined in Schedule A of the Islands Trust Act as being "all the land, except land situated within a reserve as defined in the Indian Act (Canada), on all the islands situated in

the Strait of Georgia, Howe Sound and Haro Strait ..." within the boundaries defined (see map attached). "Land" and "island" are defined in the Act to include private land, Crown land, and land covered by water.

"... and its unique amenities and environment

The special amenities and environment of the Trust area "derive from the combination of:

- a mild climate;
- approximately 500 islands and the extensive coastline and sheltered waters they provide;
- diverse and unusual natural features, vegetation and wildlife;
- almost a continuous tree cover and large undeveloped areas;
- numerous areas of heritage or archaeological significance;
- abundant and varied recreational opportunities accessible to adjacent major urban centres;
- solitude, scenic beauty and a clean environment;
- compact, marine-oriented settlements;
- tranquil rural areas;
- a range of lifestyles;
- a unique water supply situation (ie. small watersheds, shallow soils and heavy reliance on groundwater sources);
- the self-sufficiency yet interdependence that island living entails;

Defining the unique amenities and environment of the Trust area is the focus of the Trust's program. Special areas such as the most outstanding beaches, the most significant landscapes featuring unusual grassland and wildflower areas or attractive open stands of Garry Oak, Arbutus or Douglas Fir, and intertidal and subtidal zones especially rich in a variety of marine life may be of National or Provincial importance and may require special attention (perhaps through preservation as a park or ecological reserve). Areas such as smaller, attractive sand beaches, promontories providing superior

views, and major bays providing protection for boats from open water are of regional or local significance and may warrant special zoning or regulation to avoid loss or disturbance.

Residential, commercial or tourism development appropriate to the services and lifestyle of the islands can, in this way, be steered to the most suitable areas.

"... for the benefit of the residents of the Trust area and of the Province generally."

A benefit must be sustained and long-term, and must not be at the expense of the amenities or environment of the islands.

"residents of the Trust area" includes those living on the islands, part-time residents, and absentee land owners. Benefits to the residents derive from:

- maintaining the amenities and environment which attracted them to the islands; and
- compatible and sustainable economic development and an assured sustained yield of the forest, agriculture and marine resources.

The Trust has recognized the importance of public support in achieving its mandate. To gain this support, the Trust involves the public to the greatest exent possible in the development and amendment of plans and bylaws.

Benefits to the Province include:

- development of a sustainable economic base, focused on retirement residence, crafts and creative endeavours, fisheries and mariculture, agriculture, forestry, and tourism, as well as other services;
- continued availability of diverse and valuable recreational resources in close proximity to the majority of the residents of the Province;

- preservation of a physically, ecologically, and socially diverse area for the continued enjoyment of future generations;
- assistance in the effective implementation of policies of other government agencies aimed at sound management of the islands.

CONCLUSION

The review of the interpretation of its object statement has been of value to the Islands Trust, both in identifying its own role and in learning more about the objectives and programs of other agencies operating in the Trust area. It is hoped that, in addition, staff of agencies involved in the review obtained a better understanding of the programs of the Islands Trust.

The interpretation of the object provided in this paper will be used by the Islands Trust in establishing priorities regarding its legislated responsibilities in the Trust area. In addition, the Trust hopes to build on the useful discussions with staff of other agencies by maintaining closer working relationships with them. One mechanism that the Trust hopes to use in this regard is the development of protocol agreements with other agencies, as such matters as the referral by other agencies of their plans and approvals to the Trust for review and comment.

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THE ISLANDS TRUST AREA